

**REMARKS**

Claims 1-36 are pending in the application.

Claims 1-36 stand rejected.

***Rejection of Claims under 35 U.S.C. §102***

Claims 1-7, 13-17, 23, 25-27, and 29-31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Crowther et al., European Patent No. 1113656 (Crowther). While not conceding that the Examiner's cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that one or more of the Examiner's cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicants respectfully submit that independent claims 1, 15, 23 and 27 are allowable over Crowther. Applicants respectfully note that claims 1, 15, 23 and 27 each recite, among other limitations, "a list of routes." Applicants are unable to locate, either in the passages of Crowther cited in the Office Action or elsewhere in Crowther, the claimed routes, as recited in claims 1, 15, 23 and 27. A parallel is drawn in the Office Action between Crowther's "skillsets" and the claimed routes, a correspondence Applicants respectfully argue is inapposite.

Crowther's skillsets are simply queuing structures that allow the prioritized queuing of sets of pending requests and idle agents, with the ability to prioritize among skillsets (via the use of (interruptibility')). (Crowther, Paras. 26, 27 and 29) Thus, the

skillsets of Crowther are only able to prioritize agents within the given skillset, although this can be overridden by one skillset “interrupting” another. This limited ability to prioritize agents within a given skillset based on a single prioritization criteria fails to anticipate the claimed routes because only one situation can lead to a given agent being selected. That is to say, once an agent is defined in a given skillset (e.g., priority 3 (P3) in skillset SalesVoice, as is Agent 310 in Fig. 3 of Crowther), only one situation can lead to that agent being selected (e.g., in the posited example, the situation in which Agents 330 and 340 are unavailable, Agent 310 is available, and a voice request is received for the sales department). The claimed invention, however, can ultimately assign a work item to an agent in a number of circumstances (e.g., an agent could be assigned a work item if no other agent is available, but could also be assigned the work item if named specifically by the work item, if the agent has the best set of skills in the particular situation (e.g., one or more skills might be deemed inapplicable or ignored), or the like). Crowther fails to show, teach or suggest any sort scheme that allows for an agent to be selected based on multiple criteria or in multiple situations, as is provided by the claimed routes.

In the claimed invention, the ability to select an agent based on multiple criteria is provided by the manner in which routes are defined using a language code that supports expressions. The expression of properties used to flexibly implement the claimed routes provides for agent selection based on any number of criteria. For example, the use of such a language allows a work item to be directly assigned to an agent, a route to be changed on-the-fly (using macro substitution), and the like. Moreover, a selection process defined using such a language allows for situations that would cause Crowther to simply fail. For example, Crowther has no mechanism for changing membership in its

skillsets on-the-fly, unlike the claimed invention's ability to change almost any characteristic of a route, based on information associated with a work item.

Crowther is also unable to operate in a situation in which the agent selected can change, depending on the criteria stated. For example, if a first agent is preferred based on one criterion, but a second agent is preferred based on another criterion, Crowther fails in the situation in which neither criterion is specified, and indeed, Crowther fails to even consider such circumstances. As will be apparent, the claimed invention's routes are eminently capable of handling such situations, by the simple addition of another expression (in which the missing criteria are simply ignored).

The skillsets of Crowther also have no way to provide for agents that are indistinguishable (i.e., have the same characteristics, and are not preferred over one another). Crowther teaches that agents are prioritized. (Para. 0027; col. 5, lines 41-51) Using the claimed routes, two (or more) agents can have identical characteristics, and so be equally likely to receive a work item.

These distinctions result, in part, from the fundamental structure of Crowther's skillsets, which are set-based, as their name implies. (Crowther, Para. 26) Crowther is thus limited to including (or excluding) an agent from a given skillset. Crowther's disclosure not only fails to provide for the possibility of an agent having conditional membership in a set, as is possible using the claimed routes, but fails to even contemplate such a possibility.

Accordingly, Applicants respectfully submit that claims 1, 15, 23 and 27 are allowable over Crowther. Claims 2-7, 13-14, 16-17, 25-26 and 29-31, which depend

either directly or indirectly from a respective one of claims 1, 15, 23 and 27, are similarly allowable over Crowther, for at least the foregoing reasons.

*Rejection of Claims under 35 U.S.C. §103*

Claims 32-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crowther et al., European Patent No. 1113656 (Crowther) as applied to claims 1-7, 13-17, 23, 25-27, and 29-31 above. Again, while not conceding that the Examiner's cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that one or more of the Examiner's cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an initial matter, Applicants respectfully submit that elements of claims 32-35 are not shown, taught or suggested by Crowther, taken alone or in permissible combination with skill in the art at the time of invention. As noted previously, Crowther fails to show, teach or even suggest the claimed routes.

Crowther further fails to show, teach or even suggest assigning a work item to one of a number of agents based on the recipient of the work item, as recited in claim 35. This is because, as noted previously, Crowther does not recognize the need nor provide the ability to assign a request to an agent based on that agent's identity. Because Crowther is obviously incapable of assigning a request to an agent based on anything but the characteristics that define the given skillsets, Applicant respectfully submits that Crowther fails to show, teach or even suggest assigning a work item based on the recipient of the work item.

For at least the foregoing reasons, Applicants respectfully submit that the invention, as claimed in claims 32-35, is not made obvious by Crowther. Applicant therefore respectfully submits that claims 32-35 are in condition for allowance.

*Rejection of Claims under 35 U.S.C. §103*

Claims 8-12, 18-22, 24, 28, and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crowther et al., European Patent No. 1113656 (Crowther) as applied to claims 1-7, 13-17, 23, 25-27, and 29-31 above, in view of Broughton et al., U.S. Application No. 2003/0018702 (Broughton). Again, while not conceding that the Examiner's cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that one or more of the Examiner's cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an initial matter, Applicants respectfully submit that elements of claims 8-12, 18-22, 24, 28, and 36 are not shown, taught or suggested by Crowther, taken in permissible combination with Broughton, and/or skill in the art at the time of invention. As noted previously, Crowther fails to show, teach or even suggest the claimed routes. Broughton fails to remedy this infirmity, particularly in the context of Crowther. First, neither Crowther nor Broughton, taken either individually or in permissible combination, provide the claimed routes because neither reference shows, teaches or suggests the claimed routes, which are defined using a language that provides features such as conditional characteristics, virtual skills, macro substitution and the like.

Moreover, one of skill in the art at the time of invention would have found no motivation in either Crowther or Broughton to combine their disclosures. The call center systems of Crowther and Broughton are each stand-alone systems, and do not perceive any need for any features of the other. As noted previously, Crowther provides for the assignment of requests to an agent using skillsets to queue the requests and available agents, and a limited prioritization scheme to determine which request is assigned to which agent. Broughton discloses a call center system that first routes a contact based on its media type, then routes the contact based on routing criteria. Both Crowther and Broughton are thus capable of routing a request (contact) to an agent. However, neither Crowther nor Broughton disclose any failings or needs of their systems, that might serve as a basis for one of skill in the art to find a motivation to combine their disclosures.

In fact, one of skill in the art at the time of invention would have found no motivation to combine their disclosures because the systems disclosed therein are not compatible with one another. For example, Crowther's skillsets and Broughton's routing criteria are incompatible with one another. Crowther's skillsets define an agent by the agent's inclusion in one or more skillsets, and thus determines whether or not to assign a request to a given agent by assigning the request to the appropriate skillset (and assuming that the agent will be the one selected within that skillset). Broughton defines an agent using the agent's attributes, and thus determines whether or not to assign a contact to a given agent using contact requirements and the agent's attributes. As a result of these differences, for the same request (contact), use of the latter technique can result in the selection of an agent different from that selected when using the former technique.

Moreover, each approach is able to make a determination as to which agent is assigned a given request (contact) on its own, and neither reference expresses a need for the determination to be supplemented with any further determination. The selection made using either method is presented as being sufficient for the purposes of the relevant disclosure, and so no motivation exists to combine those disclosures.

Even if Crowther and Broughton were combined, for which Applicants maintain no motivation exists, their combination would fail to show, teach or even suggest the claimed invention because such a combination would still fail to provide the functionality and flexibility provided by the claimed routes. The combination of Crowther and Broughton would result in a system that would initially assign requests (contacts) based on their media. Once assigned thusly, some combination of skillsets and routing criteria would be used to assign the requests (contacts) to the appropriate agents. Applicants are at a loss as to the manner in which a hypothetical call center system could be constructed using the two techniques because of the incompatibility of Crowther's skillsets and Broughton's contact requirements. If a request (contact) were assigned using Broughton's contact requirements, there would be no point in using Crowther's skillsets because the request (contact) would have already been assigned. Alternatively, once a request was assigned to one of Crowther's skillsets, there would be no particular point in any further vetting, because the necessary selection would have already taken place.

However, albeit redundant, even if Broughton's contact requirements were somehow used to select one of Crowther's skillsets or Crowther's skillsets were somehow used to select one of Broughton's contact requirements, such a conglomeration would still fail to show, teach or suggest the claimed routes. This is because such a

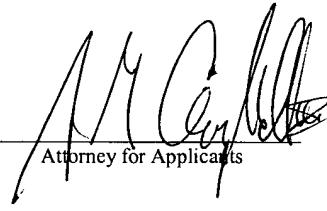
combination would not provide the flexibility provided by the language used in the claimed routes (again, which provides features such as macro substitution, virtual skills, assignment based on the identification of the desired agent and the other such features).

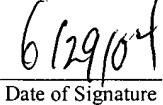
For at least the foregoing reasons, Applicants respectfully submit that the invention, as claimed in claims 8-12, 18-22, 24, 28, and 36, is not made obvious by Crowther, taken in permissible combination with Broughton, and/or skill in the art at the time of invention. Applicant therefore respectfully submits that claims 8-12, 18-22, 24, 28, and 36 are in condition for allowance.

**CONCLUSION**

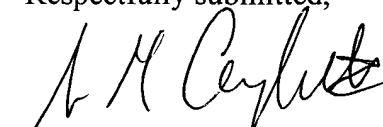
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **June 29, 2004**.

  
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Attorney for Applicants

  
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Date of Signature

Respectfully submitted,



Samuel G. Campbell, III  
Attorney for Applicants  
Reg. No. 42,381  
Telephone: (512) 439-5084  
Facsimile: (512) 439-5099